

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

ENCORE SERIES Inc. d/b/a
THE PHILLY POPS,

Plaintiff,

v.

THE PHILADELPHIA ORCHESTRA and
THE PHILADELPHIA ORCHESTRA AND
KIMMEL CENTER, INC.,

*Defendants and
Counterclaim Plaintiffs,*

and

KIMMEL CENTER, INC. and TICKET
PHILADELPHIA,

Counterclaim Plaintiffs.

Civil Case No. 23-cv-01421-MRP

Hon. Mia Roberts Perez

STIPULATION OF JUDGMENT AND DISMISSAL OF CLAIMS

Plaintiff-Counterclaim Defendant Encore Series, Inc., f/k/a The Philly Pops (“Encore”), Defendants-Counterclaim Plaintiffs The Philadelphia Orchestra (“POA”) and the Philadelphia Orchestra and Kimmel Center, Inc. (“POKC”), and Counterclaim Plaintiffs Kimmel Center, Inc. (“KCI”) and Ticket Philadelphia (“TP”) (POA, POKC, KCI, and TP collectively, the “Kimmel Parties” and together with Encore, the “Parties”), hereby stipulate as follows to dispense with all Claims and Counterclaims asserted in this matter:

1. Pursuant to Federal Rule of Civil Procedure 41, Encore stipulates to the dismissal with prejudice as to all claims against all defendants in its Amended Complaint, Dkt. No. 5.
2. Pursuant to Federal Rule of Civil Procedure 58, Encore stipulates and agrees to the entry of judgement in favor of KCI and TP, and against Encore, in the amount of \$1,021,209.72,

with respect to the breach of contract claims asserted by KCI and TP in Counterclaims I and II in the Kimmel Parties' Counterclaims ¶¶ 197-219, Dkt. No. 18;

3. The Parties stipulate and agree that the foregoing judgment shall accrue post-judgment interest in an amount calculated according to the provisions of 28 U.S.C. § 1961;

4. Pursuant to Federal Rule of Civil Procedure 41, Encore and the Kimmel Parties stipulate and agree to the dissolution of the Limited Preliminary Injunctive Relief entered on June 22, 2023, Dkt. No. 22;

5. Pursuant to Federal Rule of Civil Procedure 41, and subject to the entry of the judgment referred to in paragraph 2 herein, KCI and TP stipulate to the dismissal with prejudice of Counterclaim Counts III, IV, V, and VI, Dkt. No. 18; and

6. This stipulated judgment is not assignable to any individual and will not be enforced against any person and/or entity other than Encore or any successor entity

7. The Parties stipulate and agree that each Party shall bear its own costs and attorneys' fees associated with this action.

[Signatures Appear on Next Page]

Dated: July 24, 2025

Respectfully submitted,

/s/ Michael T. van der Veen

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*Counsel for Defendants and Counterclaim
Plaintiffs The Philadelphia Orchestra
Association, incorrectly named as the
Philadelphia Orchestra, and The
Philadelphia Orchestra and Kimmel Center,
Inc.*

-and-

*Counsel for Counterclaim Plaintiffs
Kimmel Center, Inc. and Ticket Philadelphia*

ORDERED AND APPROVED

Hon. Mia Roberts Perez

Dated: _____, 2025

CERTIFICATE OF SERVICE

I hereby certify that on July 24, 2025, the foregoing Stipulation of Judgment and Dismissal was filed using the CM/ECF system, which will send notification and a copy of such filing to all counsel of record.

/s/ Steven A Reed

Steven A. Reed